

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

JAN 03 2018

Clerk, U S District Court
District Of Montana
Billings

ALLSTATE FIRE AND CASUALTY
INSURANCE COMPANY,

Plaintiff,

vs.

KRISTIE MATTESON, *et al.*,

Defendants.

CV 17-31-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATION

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendation filed on December 13, 2017. (Doc. 48). Judge Cavan recommends that all pending motions (Docs. 20, 21, and 31) be denied as moot and the case be remanded to state court, for all further proceedings.

Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days of the filing of Judge Cavan's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews Judge Cavan's Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that Judge Cavan committed clear error.

IT IS ORDERED that the proposed Findings and Recommendation for disposition of this matter entered by United States Magistrate Judge Cavan (Doc. 48) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that all pending motions (Docs. 20, 21, and 31) be DENIED.

IT IS FURTHER ORDERED that the case be REMANDED to the Montana Thirteenth Judicial District Court, Yellowstone County, for all further proceedings.

The Clerk of Court is directed to close this matter.

DATED this 3rd day of January 2018.



SUSAN P. WATTERS
United States District Judge